

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NICHIA CORPORATION,

No. C 06-0162 MMC

Plaintiff,

v.

**ORDER AFFORDING PLAINTIFF
OPPORTUNITY TO SUPPLEMENT
MOTION TO FILE OPPOSITION TO
MOTIONS IN LIMINE UNDER SEAL**

SEOUL SEMICONDUCTOR CO.,LTD., et al.,

Defendants

Before the Court is plaintiff's "Administrative Motion to File Under Seal its Opposition to Motions in Limine Nos. 3, 5 & 6 and Confidential Exhibits to the Declaration of Michael J. Song in Support of Nichia's Opposition to Motions in Limine," filed August 21, 2007.

To the extent plaintiff, by the above-referenced motion, seeks to file under seal unredacted versions of its oppositions to defendants' Motions in Limine Nos. 3, 5, and 6, the motion is plainly deficient. As to such oppositions, plaintiff states in full: "Nichia Corporation's Opposition[s] to Seoul's Motions in Limine Nos. 3, 5 and 6 contain information as Highly Confidential - Attorney Eyes ("AEO") or Confidential pursuant the Stipulated Protective Order in this case." (See Song Decl., filed August 21, 2007, ¶ 4.)


Plaintiff has failed to identify the designating party, and, if the designating party is plaintiff, has failed to identify the particular portions of each opposition that assertedly refer to confidential material, let alone to explain why any such portion is confidential. A mere

1 conclusory statement that a document "contains" within it some confidential material is
2 insufficient to warrant sealing. See Civil L.R. 79-5(a) (providing "sealing order may issue
3 only upon a request that establishes that the document, or portions thereof, is privileged or
4 protectable as a trade secret or otherwise entitled to protection under the law").

5 Accordingly, the Court will afford plaintiff the opportunity to file, no later than August
6 27, 2007, a supplemental declaration to cure the deficiencies set forth above.

7 **IT IS SO ORDERED.**

8
9 Dated: August 23, 2007


MAXINE M. CHESNEY
United States District Judge